

cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, or crude protein, and not more than 10 per cent of crude fiber, whereas it contained less than 43 per cent of protein, or crude protein, and more than 10 per cent of crude fiber.

On March 20, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15758. Adulteration of figs. U. S. v. 40 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22503. S. No. 619.)**

On March 2, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mason Ehrmann Co., on or about February 28, 1928, from Portland, Ore., and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, an examination of the article showing the presence of worms and that it was sour and moldy, and also disclosing the presence of sticks and straw and live insects.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15759. Adulteration of butter. U. S. v. 306 Tubs, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22686, 22711. I. S. Nos. 21689-x, 21692-x. S. Nos. 697, 700.)**

On March 15 and March 18, 1928, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 318 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned in two lots, on or about February 27 and February 28, 1928, respectively, alleging that the article had been shipped by the North American Creamery Co., in part from Paynesville, Minn., and in part from Watertown, S. Dak., and transported from the States of Minnesota and South Dakota, respectively, into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On March 20, 1928, the North American Creamery Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libels, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15760. Misbranding of olive oil. U. S. v. 20 Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22654, 22673. I. S. Nos. 17429-x, 17435-x. S. Nos. 692, 715.)**

On March 20 and March 28, 1928, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 6 cases, each containing 12 one-gallon cans, 4 cases, each containing 24 one-half-gallon cans, and 20 cans of olive oil, remain-

ing in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by D. F. De Bernardi & Co., from San Francisco, Calif., in part on or about March 15, 1927, and in part on or about March 29, 1927, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tins) "Laviola Brand Olive Oil D. F. Deb & Co., Net Contents 1 Gallon" (or "Net Contents  $\frac{1}{2}$  Gallon").

Misbranding of the article was alleged in the libels for the reason that the statements, "Net Contents 1 Gallon," " $\frac{1}{2}$  Gallon," or "Net Contents  $\frac{1}{2}$  Gallon," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 14, 1928, D. F. De Bernardi & Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, conditioned in part that it should not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15761. Adulteration and misbranding of cocoa. U. S. v. 15 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22498. I. S. No. 17478-x. S. No. 609.)**

On February 29, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 barrels of cocoa, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pacific Cocoa Co., from Portland, Ore., February 11, 1928, and had been transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act.

The product was invoiced as "cocoa."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15762. Adulteration of butter. U. S. v. 126 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22822. I. S. No. 25783-x. S. No. 848.)**

On or about May 28, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 126 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Keosauqua Creamery Co., Keosauqua, Iowa, May 21, 1928, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

On or about June 12, 1928, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon